

Before the Independent Hearing Panel

|                      |                                                                                                 |
|----------------------|-------------------------------------------------------------------------------------------------|
| <b>Under the</b>     | Resource Management Act 1991                                                                    |
| <b>In the matter</b> | of Upper Clutha Landscape Schedules Variation to the<br>Queenstown Lakes Proposed District Plan |

---

**REBUTTAL EVIDENCE OF EMILY CLARE FREW ON BEHALF OF QUEENSTOWN LAKES  
DISTRICT COUNCIL**

**PLANNING**

**12 August 2026**

---



**Kierra Parker / Shanae Richardson**

T: +64 3 968 4021

[kierra.parker@simpsongrierson.com](mailto:kierra.parker@simpsongrierson.com)

[shanae.richardson@simpsongrierson.com](mailto:shanae.richardson@simpsongrierson.com)

PO Box 874 Christchurch

## CONTENTS

|                                                                                                    |    |
|----------------------------------------------------------------------------------------------------|----|
| 1. INTRODUCTION.....                                                                               | 1  |
| 2. SCOPE OF THIS REBUTTAL EVIDENCE.....                                                            | 2  |
| 3. SUMMARY OF REBUTTAL VERSION UCLS PROVISIONS.....                                                | 2  |
| 4. SUMMARY OF ISSUES POST EXPERT CONFERENCING.....                                                 | 4  |
| 5. STRATEGIC SUPPORT FOR THE UCLS SCHEDULES, IN THE RPS AND PDP<br>OBJECTIVES AND POLICIES .....   | 6  |
| 6. DEFINED TERMS IN THE PREAMBLE .....                                                             | 10 |
| 7. THE APPROPRIATENESS OF THE NON-PA SCHEDULES, INCLUDING THE SIZES<br>OF SMALLER UCLS AREAS ..... | 11 |
| 8. REFERENCES TO QUEENSTOWN LAKES SPATIAL PLAN 2021.....                                           | 14 |
| 9. CONCLUSION AND UPDATED RECOMMENDATIONS ON SUBMISSIONS .....                                     | 16 |

## APPENDIX 1 – RECOMMENDED REBUTTAL VERSION OF UCLS

### No changes since notification:

- Policy Change to Chapter 3

### Updated in s42A Report:

- All Schedule maps
- Landscape Schedules:
  - 21.23.12 Sheepskin Creek
  - 21.23.17 Quartz Creek and Maungawera

### Updated in Joint Witness Statement from Planning and Landscape Expert Conferencing:

- Landscape Schedules:
  - 21.22.25 Mata-au Clutha River
  - 21.23.6 East of Wānaka - Mount Aspiring Road
  - 21.23.9 Wānaka Airport Environs
  - 21.23.10 Northern End of Criffel / Pisa Range Foothills
  - 21.23.11 East of Luggate
  - 21.23.13 Kane Road
  - 21.23.14 Hāwea Moraine
  - 21.23.16 Crosshill

### Updated in Rebuttal evidence

- Preamble 21.23
- Landscape Schedules:
  - 21.23.7 Studholme Road
  - 21.23.8 Riverbank Road
  - 21.23.15 Hāwea Basin

## APPENDIX 2 – REBUTTAL SUBMISSIONS RECOMMENDATION TABLE

## 1. INTRODUCTION

1.1 My full name is Emily Clare Frew. I am employed by the Queenstown Lakes District Council (**Council** or **QLDC**) as a Policy Planner. I have been in this role since December 2024.

1.2 My qualifications and experience are set out in my Section 42A Report dated 29 May 2026 (**s42A Report**). I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and that I agree to comply with it, as set out in my s 42A Report.

### Submitter expert evidence and expert witness conferencing

1.3 I have read the following expert evidence filed on behalf of submitters:<sup>1</sup>

- (a) Evidence in Chief of Ben Espie (landscape) dated 26 June 2026<sup>2</sup>;
- (b) Evidence in Chief of Steve Skelton (landscape) dated 26 June 2026<sup>3</sup>;
- (c) Evidence in Chief of Dan Curley (planning) (undated)<sup>4</sup>;
- (d) Evidence in Chief of Morgan Shepherd (planning) dated 25 June 2026<sup>5</sup>;  
and
- (e) Evidence in Chief of Scott Edgar (planning) dated 26 June 2026<sup>6</sup>.

---

1 Evidence and JWS' accessible online at <<https://www.qldc.govt.nz/your-council/district-plan/proposed-district-plan/hearings/upper-clutha-landscape-schedules-variation>>.

2 For Mata Au Investments Ltd (OS17); Exclusive Developments Ltd (OS45); Wanaka Station Trust et al (OS8); Montreal Trustees 2024 Ltd (OS32); D & S Brent as trustees of Hawthenden Trust (OS22 and OS30); Lake McKay 2024 Ltd Partnership (OS16); Grandview Grazing Ltd (OS9); Devon Dairy Holdings Ltd (as successor to Devon Dairy Farms Ltd) (OS29); J & C Leith (OS20); Jolly Holdings Ltd (OS21); Laing Dairy Ltd (OS35); Sunnyheights Ltd (OS37); SIO No12 Limited (OS26); Scott Aubrey Family Trust (OS43); PLDC Trustees Ltd and A Wright (OS19).

3 Dirk and Rebecca Venter (OS36); The NW & DJ Pittaway Family Trust (OS39); and Kathryn and Vaughn Woodfield (OS47).

4 For Devon Dairy Holdings Ltd (as successor to Devon Dairy Farms Limited) OS29; D & B Brent & Hawthenden Ltd (OS22 and OS30); Jolly Holdings Ltd (OS21); J & C Leith (OS20); Laing Dairy Ltd (OS35); Grandview Grazing Ltd (OS9); Lake McKay 2024 Limited Partnership (OS16); and Mata Au Investments Ltd (OS17).

5 For Bell Group Limited (OS31).

6 For Sunnyheights Limited (OS37 and FS58); Scott Aubrey Family Trust (OS43); Exclusive Developments Limited (OS45).

- 1.4** On 6 and 9 July 2026 I attended joint planning and landscape expert witness conferencing that produced the Planning and Landscape Joint Witness Statement dated 9 July 2026 (**JWS**).

### **Site Visits**

- 1.5** After receiving the submitter expert evidence, I attended a site visit on 2 July 2026 with Ms Gilbert. Key publicly accessible locations we visited were:

- (a) all of the non-PA Upper Clutha Landscape Schedule (**UCLS**) areas; and
- (b) the Mata-Au Clutha River PA area including the river terraces.

## **2. SCOPE OF THIS REBUTTAL EVIDENCE**

- 2.1** My rebuttal evidence addresses matters arising or further to the JWS.

- 2.2** The scope of my rebuttal evidence is:

- (a) Summary of changes to UCLS recommended in my rebuttal;
- (b) A summary of the remaining issues post expert witness conferencing;
- (c) The link to strategic support for the UCLS Schedules, in the Proposed District Plan (**PDP**) and Otago Regional Policy Statement (**RPS**) objectives and policies;
- (d) Clarity of the Preamble definitions;
- (e) The utility of the Schedules, including the appropriateness of scheduling smaller RCL areas;
- (f) References to the Queenstown Lakes Spatial Plan 2021 (**Spatial Plan**); and
- (g) Updated recommendations on submissions;

## **3. SUMMARY OF REBUTTAL VERSION UCLS PROVISIONS**

- 3.1** In response to evidence received on behalf of submitters and expert witness conferencing, I am recommending further changes to the UCLS Variation (since my s42A Report and the JWS). In summary, I recommend:

- (a) The addition of a footnote in paragraph 1.2 of the Preamble 21.23 text, to reference assessment matter 21.21.2.1.a of the PDP;
- (b) the following changes to the 'meaning of activities', in proposed Preamble 21.23, section 7.1:
  - (i) **Urban expansions** ~~means:~~ means: a change from a rural activity to Urban Development. Urban Development has the same meaning as Chapter 2.
  - (ii) **Farm scale quarries:** means mining of aggregate for farming activities on the same site. Farming activities has the same meaning as Farming Activity in Chapter 2
- (c) Changes to the language used in the capacity rating descriptions *for urban expansions* and *rural living* in Schedule 21.23.7 Studholme Road, and subsequently 21.23.8 Riverbank Road and 21.23.15 Hāwea Basin for consistency. The change to Schedule 21.23.7 Studholme Road was proposed (but not fully agreed) in the JWS and Ms Gilbert and I have proposed some further refinement to that and consequential amendment to other Schedules that reference the Spatial Plan.

**3.2** In **Appendix 1**, the Preamble 21.23, and Schedules 21.23.7, 21.23.8 and 21.23.15 show the changes recommended by Ms Gilbert and me, in **purple** text.

**3.3** Across all of the appended **UCLS** provisions, the key is as follows:

- (a) Black 'base text' is the notified text, and in the case Preamble 21.23 the base black text is as determined by PALS (rather than as originally notified).
- (b) **Black** annotations are changes recommended by me and Ms Gilbert in the s42A Report to the notified version. Black annotations also show the minor change to Chapter 3 that is unchanged since notification.
- (c) **Green** annotations (appearing in the Preamble only) are the notified amendments to Preamble 21.23 shown in the PALS Preamble base text;
- (d) **Blue** annotations are changes that were agreed between the experts in the JWS, in response to the expert evidence received from submitters.<sup>7</sup>

---

<sup>7</sup> Relief sought by the follow submitters who provided expert evidence for Mata Au Investments Ltd (OS17); Wanaka Station Trust et al (OS8); Montreal Trustees 2024 Ltd (OS32); D & S Brent as trustees

- (e) **Red** annotations are changes sought by expert witnesses on behalf of submitters at conferencing, but that Ms Gilbert and I do not consider are appropriate.
- (f) **Purple** annotations are changes recommended by me and Ms Gilbert in Rebuttal.

**3.4** I note that applying this key across the UCLS provisions has resulted in a change of colours used in the Preamble 21.23 as compared to the version attached to my s42A Report. The red has become green, and the green has become black to align it with the colours used in the Schedules and to have one key that applies consistently to the Schedules and Preamble.

**3.5** Relying on the expert opinion of Ms Gilbert, I consider the recommended changes to individual Schedules improve the accuracy and clarity of the schedule content, making them more effective and efficient in assisting in technical landscape assessment and in plan implementation.

**3.6** In addition, I consider my recommended changes to Preamble 21.23 better ensure the Schedule content is engaged with and interpreted in a consistent way. Overall, I consider these changes will make the Schedules more efficient and effective in achieving the objective of the UCLS Variation, and the purpose of the RMA.

#### **4. SUMMARY OF ISSUES POST EXPERT CONFERENCING**

**4.1** Amendments to the text of two Schedules were fully agreed in expert conferencing.

- (a) 21.23.11 East of Luggate; and
- (b) 21.23.16 Crosshill.

---

of Hawthenden Trust (OS22 and OS30); Lake McKay 2024 Ltd Partnership (OS16); Grandview Grazing Ltd (OS9); Devon Dairy Holdings Ltd (as successor to Devon Dairy Farms Ltd) (OS29); J & C Leith (OS20); Jolly Holdings Ltd (OS21); Laing Dairy Ltd (OS35); Sunnyheights Ltd (OS37 and FS58); SIO No12 Limited (OS26); Scott Aubrey Family Trust (OS43); PLDC Trustees Ltd and A Wright (OS19); Dirk and Rebecca Venter (OS36); The NW & DJ Pittaway Family Trust (OS39); Kathryn and Vaughn Woodfield (OS47); Bell Group Limited (OS31); Exclusive Developments Limited (OS45).

**4.2** Two Schedules were not subject to expert evidence received from submitters, and their contents were not discussed in expert witness conferencing:

- (a) 21.23.12 Sheepskin Creek; and
- (b) 21.23.17 Quartz Creek and Maungawera.

**4.3** While 21.23.8 Riverbank Road also received no expert evidence from submitters, Ms Gilbert has recommended changes to the description of 'urban expansion' to align with the approach taken in Schedule 21.23.7 Studholme Road and 21.23.15 Hāwea Basin.<sup>8</sup> I agree with this change as explained further in section 8 of my Rebuttal.

**4.4** There are outstanding landscape matters of disagreement as between the expert witnesses, related to individual schedule texts. These are noted in Ms Gilbert's rebuttal, with her reasoning for her position already explained in the JWS, and they relate to:

- (a) 21.22.25 Mata-au Clutha River;
- (b) 21.23.6 East of Wānaka – Mount Aspiring Road;
- (c) 21.23.7 Studholme Road;
- (d) 21.23.9 Wānaka Airport Environs;
- (e) 21.23.10 Northern End of Criffel / Pisa Range Foothills;
- (f) 21.23.13 Kane Road and Luggate -Tarras Highway;
- (g) 21.23.14 Hāwea Moraine; and
- (h) 21.23.15 Hāwea Basin.

**4.5** In expert conferencing there was no disagreement on the text of Preamble 21.23 but there was comment by the experts that could be relevant to its contents.<sup>9</sup> I recommend some changes to Preamble 21.23 to address this, which I explain in section 5 of my Rebuttal.

---

<sup>8</sup> Refer to section 4 of Ms Gilbert's Rebuttal.  
<sup>9</sup> JWS at [18].

**4.6** The broader outstanding matters of disagreement related to planning matters are recorded in the JWS, and in summary are:

- (a) What strategic support there is for the UCLS Schedules, in the PDP and RPS objectives and policies;
- (b) Clarity of the Preamble definitions;
- (c) Whether the non-PA Schedules are appropriate, including the sizes of smaller UCLS areas; and
- (d) References to the Spatial Plan.

**4.7** My Rebuttal expands on these outstanding matters and makes recommendations where I consider appropriate.

## **5. STRATEGIC SUPPORT FOR THE UCLS SCHEDULES, IN THE RPS AND PDP OBJECTIVES AND POLICIES**

**5.1** While the PDP Chapter 3 and RPS objectives and policies do not direct the creation of non-PA Schedules, or their use for a proposal-specific assessment,<sup>10</sup> they equally do not direct against the creation or use of additional schedules outside Priority Areas.

**5.2** The policy support for the non-PA UCLS Schedules, in both the RPS<sup>11</sup>, and PDP Chapters 3 and Chapter 6 has been outlined in the s32 report, my s42A report<sup>12</sup> and the JWS.<sup>13</sup> In summary:

- (a) NFL-O2 of the RPS requires that the identified values of any highly valued natural features and landscapes are maintained or enhanced.<sup>14</sup> I clarify that under NFL-M1, territorial authorities *may* identify highly valued natural features and landscapes, and when doing so, the RPS requires territorial authorities to identify physical, associative and perceptual

---

<sup>10</sup> JWS, at [10].

<sup>11</sup> My s42A Report was based on the May 2026 version of the Otago RPS, which is now superseded by the July 2026 version of the Otago RPS. There are no differences in the versions in terms of the Natural Features and Landscape direction.

<sup>12</sup> Upper Clutha Landscape Schedules, Section 42A Report, 29 May 2026, paragraphs 7.14, 9.16, 9.21, 10.7 – 10.8 pp, 16, 25-26, 28-29.

<sup>13</sup> JWS, at [15].

<sup>14</sup> Upper Clutha Landscape Schedules Variation s42A Report, 29 May 2026, paragraph 7.14, page 16.

values, and ensure assessments employ Te Ao Kāi Tahu methodologies, paradigms and mātauraka.<sup>15</sup> The Schedules and their contents, as a method of identification, are aligned with the RPS.

- (b) To effectively manage effects on landscape character and visual amenity (under SO 3.2.5.5), SP 3.3.33.b directs that landscape character, visual amenity values and landscape capacity be *identified*, in accordance with landscape assessment methodology (LAM) in SP 3.3.45.
- (c) SP 3.3.45 directs that landscape character area and context be defined, that visual amenity values are identified, and that an assessment of effects on character, values and landscape capacity be carried out. The content of the Schedules is consistent with what is required under SP 3.3.45, and as stated in the s32 Report<sup>16</sup>, gives more certainty that the policy framework can be achieved. Assessment Matter 21.21.2.1.a reinforces the Schedules' role is to assist in the implementation of Policy 3.3.45.
- (d) As I noted in the s42A report, SP 3.3.44 also states that there is no hierarchy of importance between PA and non-PA RCL in terms of the importance of landscape character and visual amenity values, or vulnerability of subdivision, use and development.<sup>17</sup> Such a policy supports schedules that identify amenity values in non-PA's as well as PA's.

**5.3** All planners agreed (in summary) that there is no scope in the Variation to amend Chapter 3 or the objectives and policies of Chapter 21, but that it would be appropriate to clarify the link between the Schedules and any policy direction, should non-PA schedules be included in the PDP.<sup>18</sup> I maintain my view, recorded at paragraph 15 of the JWS that, once the non-PA's are inserted into the PDP, assessment matter 21.21.2.1.a will direct Council to have regard to the non-PA Schedules, where relevant, when considering a subdivision or development application for resource consent. In my view this is an adequate 'hook' that ensures the non-PA UCLS Schedules are engaged in landscape assessments under SP 3.3.45.

---

15 See Otago RPS, July 2026, page 214 – 217, MW-M1, and APP11 – Identification criteria.

16 UCLS Section 32 Report, paragraph 3.3.

17 See UCLS s42A Report, paragraph 10.6 – 10.8.

18 Refer to paragraph 17-18 in the Planning and Landscape July 2026 JWS.

**5.4** For completeness, assessment matter 21.21.2.12.a states (**my emphasis**):

21.21.2.1 Landscape character

For the implementation of relevant policies including SP 3.3.2, SP 3.3.21, SP 3.3.23, SP 3.3.33, SP 3.3.34, SP 3.3.35, SP 3.3.43, SP 3.3.45, SP 3.3.46, SP 3.3.49, SP 3.3.50, SP 3.3.51, 6.3.4.1, 6.3.4.3, 6.3.4.4, 6.3.4.5, 6.3.4.10, 21.2.1, 21.2.1.1, 21.2.1.2, 21.2.1.3, 21.2.1.7, 21.2.1.11, 21.2.1.16, 21.2.9, 21.2.9.1, 21.2.9.2 and 21.2.9.3, in considering a subdivision or development proposal, **the Council will have regard to:**

- (a) **the landscape character and visual amenity values identified in Schedule 21.23, where relevant;**
- (b) the landscape character and visual amenity values identified in accordance with SP 3.3.45;
- (c) whether, and to what extent, the proposed development will protect Tangata Whenua values, including Tōpuni or nohoanga.

**5.5** Assessment matter 21.21.2.1.a becomes relevant where an application for resource consent for subdivision or development in the Rural Zone is within a RCL area and is at restricted discretionary activity level and above. The application then requires the assessment of effects of that activity on visual amenity values and landscape character, in accordance with the relevant policies in Chapter 3, Chapter 6 and Chapter 21. In implementing such policies, including undertaking a landscape assessment (SP 3.3.45), Council will have regard to 21.23, under assessment matter 21.21.2.1.a.

**Change to Preamble 21.23 to address this**

**5.6** To clarify the link between Chapter 21 and the Schedules, I recommend inserting a footnote in paragraph 1.2 of the proposed Preamble 21.23 text, to draw attention to assessment matter 21.21.2.1.a. This will reinforce, for plan users, that the Schedules are assessment matters, to be engaged to assist with the implementation of Chapter 3 and 6 policies.

**5.7** Including a reference to assessment matter 21.21.2.1.a, combined with the overlay showing on the e-Plan map (as explained in the following section) and Preamble

21.23 (as proposed to be amended through this Variation), would better highlight to a processing planner that Council are required to have regard to the 21.23 Schedules, where relevant, when assessing the effects of a subdivision or development proposal on landscape character and visual amenity values in non-PA RCL.

**5.8** In my view, referencing the assessment matter 21.21.2.1.a in Preamble 21.23 is efficient because it emphasises a direction that is already in the PDP, and effective in reducing the risk that the Schedules will be overlooked as a tool to aid with landscape assessments. In addition, by reinforcing that the schedules are matters of assessment only, and do not qualify or supplement any policies or rules,<sup>19</sup> this change also addresses submissions<sup>20</sup> seeking that the contents of the schedules should be amended to not read as policy statements.

**5.9** I note that this change would make the Preamble 21.22 footnotes inconsistent with Preamble 21.23 (i.e. Preamble 21.22 could similarly refer to the equivalent Assessment Matter 21.22.1.1.a). There is no scope in UCLS Variation to amend Preamble 21.22, however, I would support any amendment to Preamble 21.22 via a change under Clause 16 of Schedule 1 if the Council chose to do this.

### **E-plan map property results**

**5.10** Additionally, I note that the PALS Topic 1 Consent Determination<sup>21</sup> endorsed the approach for the e-plan map to display results showing the title of the relevant preamble as well as the title of the specific schedule that applies to a piece of land when that property is clicked on.<sup>22</sup> Council staff will be making these changes this year to the e-Plan map results for the PALS. I recommend that the display of UCLS results show the same way as the PALS. This will ensure that both the relevant preamble, and relevant specific schedule, will display in the results. This will alert plan users to the existence of a Schedule and better ensure the Preamble 21.23

---

19 See 21.21.A.a of the PDP

20 OS36.17 NW & DJ Pittaway Family Trust, OS39.6 Kathryn and Vaughn Woodfield, OS47.6 Dirk and Rebecca Venter.

21 *Burdon v Queenstown Lakes District Council* [2026] NZEnvC 40, (Topic 1 Consent Determination), paragraph 17.

22 Initially the results only displayed the relevant specific schedule title (and did not state that a preamble also applied).

guidance is followed. This may assist submitters seeking to understand how the schedules apply and is consistent with the submitters seeking that the UCL approach is consistent with the PALS approach.<sup>23</sup>

## **6. DEFINED TERMS IN THE PREAMBLE**

**6.1** As recorded in the JWS, concerns remained about the definition of ‘urban expansions’ in the Preamble 21.23 and whether it was distinct from urban development, as defined in PDP Chapter 2.<sup>24</sup> When considering the evidence in relation to *urban expansions*, it became apparent that in Preamble 21.23, the meaning of *urban expansions* refers to urban development (not capitalised).

**6.2** Urban development is a defined term in Chapter 2 of the PDP, and therefore it is not clear to me why the meaning in Preamble 21.23 is not capitalised and does not refer to Chapter 2.

**6.3** Experts agreed that a capacity rating for urban expansions is relevant to resource consent proposals for small-scale urban development in non-rural zones, which can occur outside of an RMA Schedule 1 process.<sup>25</sup> Chapter 2 defines Urban Development as development which is not of rural character and is differentiated from rural development by its scale, intensity, visual character and the dominance of built structures. I consider the PDP definition of Urban Development an effective description for *urban expansion* in the Schedules, encompassing that discrete urban expansion which can occur outside of an RMA Schedule 1 process. Ms Gilbert agrees that this amendment is also consistent with her interpretation of the activity meaning.<sup>26</sup>

**6.4** While I am unaware of any confusion arising from this wording to date in the processing of consents, I consider that capitalising the definition and inserting a reference to Chapter 2 is efficient in removing any potential ambiguity and

---

23 For example, OS29.4, OS30.9 and OS27.3

24 JWS, paragraph 51.

25 JWS, paragraphs 51 and 53.

26 Ms Gilbert Rebuttal, at paragraph 6.2

reinterpretation. The amendment to the definition of urban expansion responds to submissions seeking clarification as to the definition of urban expansions.<sup>27</sup>

**6.5** In preparing this Rebuttal evidence, I have also noted that the definition of *Farm scale quarries* refers to *farming activities* which is not capitalised and does not directly refer to the definition of Farming Activity in the PDP. I note that this amendment does not respond to specific relief sought in submissions, so I recommend this change to ensure the schedules are consistent with Chapter 2 and make this definition more consistent with other definitions in the Preamble, which also refer to Chapter 2.

**6.6** I therefore recommend the following changes to the meaning of activities, in proposed Preamble 21.23, section 7.1:

- (a) **Urban expansions** ~~means:~~ means: a change from a rural activity to Urban Development. Urban Development has the same meaning as Chapter 2.
- (b) **Farm scale quarries:** means mining of aggregate for farming activities on the same site. Farming activities has the same meaning as Farming Activity in Chapter 2

**6.7** I note that this would make the Preamble 21.22 definitions of *urban expansions* and *farm scale quarries* inconsistent with Preamble 21.23. There is no scope in UCLS Variation to amend Preamble 21.22, however, I would support any amendment to Preamble 21.22 via a change under Clause 16 of Schedule 1 if the Council chose to do this.

## **7. THE APPROPRIATENESS OF THE NON-PA SCHEDULES, INCLUDING THE SIZES OF SMALLER UCLS AREAS**

**7.1** This topic was canvassed in paragraphs 19-29 of the JWS (with my view recorded at paragraph 27). I recommend no changes be made to the UCLS Variation to address this matter, as I am not persuaded that a case-by-case landscape

---

27 OS22.1 (Deborah and Stephen Brent).

assessment from first principles will be more efficient and effective in addressing section 7(c) matters, particularly in the assessment of cumulative effects.

- 7.2** As set out in paragraph 3.2 - 3.4 of the s32 Report and paragraph 9.16 and 9.21 of my s42A report, the Environment Court identified an issue with maintaining or enhancing landscape character or visual amenity values of RCLs without first identifying landscape values. In my view, case-by-case assessments are less efficient, as they require a first-principles assessment for each application, and less effective as they can generate varied identification and interpretations of landscape character, values, and capacity, increasing the risk that cumulative effects of subdivision and development will degrade landscape character and visual amenity values over time. Schedules are more efficient and effective in achieving SP 3.2.5.5, as they give more certainty that the values and attributes are identified across applications, and that landscape character is maintained, and visual amenity values are maintained or enhanced.
- 7.3** Council processing planners have also informed me that, in practice, the Schedules can help to streamline and provide consistency across applications, by giving a 'starting point' or high-level indication of the landscape values, the sensitivity of an area to development change, and therefore what level of development is likely to be appropriate.
- 7.4** Council planners cited a recent example<sup>28</sup> of an application for residential activity, farm buildings and landscaping on the lower slopes of Morven Hill (Little Morven Hill). The capacity rating for rural living (***extremely limited or no where adjacent to SH6 on the extreme lower slopes of the Morven Hill PA and where reasonably difficult to see***), provided a 'starting point' which helped determine that public notification would be appropriate, as the proposal was likely to be visible from public viewpoints. This avoided the need for assessment under RMA s95 – 95G, and the application could progress more quickly to a s42A assessment, to determine

---

28 Little Morven Trust, RM241112, 29 July 2026, available at [eDocs Consent » Queenstown Lakes District Council](#) by searching the RM number above.

whether it met the policy tests under Chapter 3 and 6, including SP 6.3.3.1.b (the 'reasonably difficult to see' test).

**7.5** This example also illustrates how schedules can provide a framework for more efficient, and consistent landscape assessments. The landscape expert, in their assessment of effects on views and visual amenity, had regard to the Schedule's perceptual attributes and values outlined in the Schedule such as views to Morven Hill from Remarkables ski field road, Twin Rivers Trail, and SH6 from the east.<sup>29</sup> In this case, not all views were relevant to the proposal site, and additional attributes were identified, however the schedule provided a starting point that helped to structure the assessment of effects and provided for those same values and attributes to be consistently acknowledged and managed.

**7.6** I add that capacity ratings are tools that help monitoring (under SP 3.3.48) to be more efficient, and ultimately more effective in measuring change over time, because the ratings provide a high level 'baseline' of capacity that changes over time can be compared against.

**7.7** To further ensure the Preamble 21.23 guidance for interpreting and applying the Schedules is followed, Council will be running an introductory session later this year on applying the Preamble 21.23 guidance, directed at landscape architects recently appointed to the Planning and Development Consultant Panel.

### **The Appropriateness of Scheduling Smaller Areas**

**7.8** Section 5 of Ms Gilbert's evidence addresses the size of the schedules from a landscape perspective. I note her view that smaller schedules can provide more relevant detail about a site, meaning less site-specific assessment is required. In my view, this could make assessments more efficient at identifying relevant attributes and values, enabling those values, and landscape character to be better maintained and enhanced. Moreover, with a more accurate 'baseline', changes to those landscapes can be more efficiently and effectively monitored over time.

---

<sup>29</sup> Vivian + Espie, Landscape and visual effects assessment prepared for G and M Smith, 30 October 2025, page 9. Available [eDocs Consent » Queenstown Lakes District Council](#) by searching the RM number above.

- 7.9 I also note that a number of submitters support the existence of the ‘smaller’ schedules, including those that were cited in conferencing, and seek amendments to clarify the values and attributes, or the capacity descriptions for activities.<sup>30</sup>

## 8. REFERENCES TO QUEENSTOWN LAKES SPATIAL PLAN 2021

- 8.1 The Spatial Plan is a community-based, non-statutory document that comprises a vision and framework for how the district will grow, with the wellbeing of people and the environment in mind. The Spatial Plan is relevant to three Schedules, 21.23.7 Studholme Road, 21.23.8 Riverbank Road, and 21.23.15 Hāwea Basin, because it identifies all or part of these Schedule areas as future urban, or identifies them as potentially appropriate for future urban development.<sup>31</sup> This means that the community may anticipate future urban development in these areas.

- 8.2 I support the inclusion of reference to the Spatial Plan in the three Schedules, and I agree with Ms Gilbert that it is appropriate factual information about a community vision and framework for how the district will grow and is useful in understanding landscape values. In my s42A report<sup>32</sup>, I also supported referring to the Spatial Plan inclusion where I stated that under RMA ss74(2)(b)(i), when preparing district plans, Council can have regard to such management strategies and plans prepared under other Acts, to the extent their content has bearing on resource management issues of the District. As Council’s formal strategy for managing district growth, I consider the Spatial Plan has bearing on Strategic Issue 2.<sup>33</sup> I also note that the Spatial Plan can also already be considered in the consent process as another relevant matter under s104(1)(c).

---

30 For example:  
**General Support (for all Schedules)** - OS1 (Julian Haworth), OS10 (Kāi Tahu ki Otago), OS13 (McDonald’s Restaurants NZ Limited), OS15 (Aurora Energy Limited),  
**21.23.6 East of Wānaka – Mount Aspiring Road** - OS10 (Kāi Tahu ki Otago),  
**21.23.7 Studholme Road** - OS07 (Florence Micoud)  
**21.23.16 – Crosshill** – OS5 (Rod Macleod)

31 Queenstown Lakes Spatial Plan 2021, Map 8, page 62.

32 UCL Section 42A Report, at paragraph 13.34

33 Strategic Issue 2: Growth pressure impacts on the functioning and sustainability of urban areas, and risks detracting from rural landscapes, particularly its outstanding natural features and outstanding natural landscapes.

- 8.3** I confirm I support the JWS amended capacity ratings for urban expansions and rural living, relying on Ms Gilbert’s views. However, having reflected on the JWS proposed text, I consider that the capacity rating guidance text could be made clearer. In the JWS version, I consider that it could be unclear what the ‘ambit’ is, and what the capacity rating is across the whole of the Scheduled area (rather than just ‘outside of the ambit’. I therefore recommend updated guidance text to remove uncertainty as to meaning of the word ‘ambit’ and to clarify whether all or part of the area is identified as future urban in the Spatial Plan. I also recommend replacing “QLDC 2021 Spatial Plan” with “Queenstown Lakes Spatial Plan 2021” as this is its formal title.
- 8.4** I also agree with the changes Ms Gilbert proposes in her Rebuttal and I recommend amending paragraph 9A in 21.23.7 Studholme Road, and paragraph 22 in 21.23.15 Hāwea Basin, to update the title of the Spatial Plan, and to insert reference to the Spatial Plan.
- 8.5** These changes are all shown in Ms Gilbert’s evidence and are shown in **Appendix 1** to this Rebuttal.
- 8.6** In my view, these changes improve the clarity of the guidance text which will reduce uncertainty and inefficiency when interpreting and applying the capacity ratings and guidance text. It is also more efficient to adopt a consistent approach across schedule areas where the Spatial Plan is relevant. Retaining the reference to the Spatial Plan also ensures its information can still assist with the identification of landscape attributes and values, making the schedules more fulsome as guidance material for landscape assessment.
- 8.7** In relation to 21.23.7 Studholme Road, these changes respond to the JWS and submissions seeking amendments in relation to the Spatial Plan.<sup>34</sup> In relation to 21.23.15 Hāwea Basin, submissions have sought amendments to remove reference

---

34 **21.23.7** – OS7.18, OS7.20 (Florence Micoud), OS30.12, OS30.20, OS30.24, OS30.26 (Deborah and Stephen Brent as Trustees of the Hawthenden Trust)

to spatial plans, revised capacity ratings, and amendments to capacity assessments for rural living, and to reflect suitability for urban expansion.<sup>35</sup>

- 8.8** While this change was not sought specifically in relation to 21.23.8 Riverbank Road, I consider that there is scope for this change to 21.23.8 Riverbank Road through a submission in general opposition to the Schedule<sup>36</sup>, and I also consider that the references to the Spatial Plan should be consistently framed across all Schedules where the Spatial Plan is relevant.

## **9. CONCLUSION AND UPDATED RECOMMENDATIONS ON SUBMISSIONS**

- 9.1** I recommend that the changes to the UCLS Variation as set out in **Appendix 1** be accepted by the Hearings Panel, and that submission points are accepted, accepted in part, or rejected by the Hearings Panel, as set out in **Appendix 2**, and in this report.
- 9.2** When making rebuttal recommendations I have considered whether the relief sought by submitters better achieves the strategic objectives and policies of the PDP, and I have evaluated the appropriateness, including the costs and benefits, of the requested changes in terms of s32AA of the RMA. My rebuttal recommendations have also been informed by the Rebuttal of Ms Gilbert.
- 9.3** The Rebuttal Recommended Version will better give effect to the strategic objectives and policies in Chapter 3 and Chapter 6 of the PDP and are considered the most appropriate to achieve the purpose of the RMA.

**Emily Frew**

**Dated: 12 August 2026**

---

35 **21.23.15** – OS20.2 (John and Colleen Leith), OS21.1 (Jolly Holdings Ltd), OS29.10, OS29.14, OS29.16, OS29.18 (Devon Dairy Holdings Ltd).

36 **21.23.8** – OS50.2 (Hawthenden Limited), for consistency with changes to 21.23.7 sought through OS7.20 (Florence Micoud), OS30.12, OS30.20, OS30.26 (Deborah and Stephen Brent as Trustees of the Hawthenden Trust),

## **APPENDIX 1 – RECOMMENDED REBUTTAL VERSION OF UCLS**

## **APPENDIX 2 – REBUTTAL SUBMISSIONS RECOMMENDATION TABLE**